03-01-06

AF

JFW

OIPE IAP15
FEB 27 2006
PATENT & TRADEMARK OFFICE

PTO/SB/21 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/846,907-Conf. #4637
Filing Date	May 1, 2001
First Named Inventor	Shinya Kimura
Art Unit	2135
Examiner Name	Ha, Leynna A.
Attorney Docket Number	55861 (72012)

Total Number of Pages in This Submission

ENCLOSURES (*Check all that apply*)

[x] Fee Transmittal Form	[ ] Drawing(s)	[ ] After Allowance Communication to TC
[ ] Fee Attached	[ ] Licensing-related Papers	[ ] Appeal Communication to Board of Appeals and Interferences
[ ] Amendment/Reply	[ ] Petition	[x] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
[ ] After Final	[ ] Petition to Convert to a Provisional Application	[ ] Proprietary Information
[ ] Affidavits/declaration(s)	[ ] Power of Attorney, Revocation Change of Correspondence Address	[ ] Status Letter
[ ] Extension of Time Request	[ ] Terminal Disclaimer	[ ] Other Enclosure(s) (please Identify below):
[ ] Express Abandonment Request	[ ] Request for Refund	
[ ] Information Disclosure Statement	[ ] CD, Number of CD(s) _____	
[ ] Certified Copy of Priority Document(s)	[ ] Landscape Table on CD	
[ ] Reply to Missing Parts/ Incomplete Application	Remarks	
[ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	EDWARDS ANGELL PALMER & DODGE LLP		
Signature	David C. Tucker		
Printed name	David A. Tucker		
Date	February 27, 2006	Reg. No.	27,840

532656

BEST AVAILABLE COPY

BEST AVAILABLE COPY

OIPE IAP15
FEB 27 2006
PATENT & TRADEMARK OFFICE

TRANSMITTAL OF APPEAL BRIEF

Docket No.
55861 (72012)

In re Application of: Shinya Kimura

Application No.	Filing Date	Examiner	Group Art Unit
09/846,907-Conf. #4637	May 1, 2001	Ha, Leynna A.	2135

Invention: ACCESS POINT DEVICE AND AUTHENTICATON METHOD THEREOF

TO THE COMMISSIONER OF PATENTS:

Transmitted herewith is the Appeal Brief in this application, with respect to the Notice of Appeal filed: December 29, 2005 .

The fee for filing this Appeal Brief is $ 500.00 .

[X] Large Entity [ ] Small Entity

[ ] A petition for extension of time is also enclosed.

The fee for the extension of time is _____ .

[ ] A check in the amount of _____ is enclosed.

[X] Charge the amount of the fee to Deposit Account No. 04-1105 .
This sheet is submitted in duplicate.

[ ] Payment by credit card. Form PTO-2038 is attached.

[X] The Director is hereby authorized to charge any additional fees that may be required or credit any overpayment to Deposit Account No. 04-1105 .
This sheet is submitted in duplicate.

David A. Tucker

Dated: February 27, 2006

David A. Tucker
Attorney Reg. No. : 27,840
EDWARDS ANGELL PALMER & DODGE LLP
P.O. Box 55874
Boston, Massachusetts 02205
(617) 517-5508

OIPE IAP15
FEB 27 2006
PATENT & TRADEMARK OFFICE

PTO/SB/17 (01-06)
Approved for use through 7/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Fees pursuant to the *Consolidated Appropriations Act, 2005 (H.R. 4818).*

FEE TRANSMITTAL
For FY 2006

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 500.00

Complete if Known	
Application Number	09/846,907-Conf. #4637
Filing Date	May 1, 2001
First Named Inventor	Shinya Kimura
Examiner Name	Ha, Leynna A.
Art Unit	2135
Attorney Docket No.	**55861 (72012)**

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 04-1105 Deposit Account Name: Edwards Angell Palmer & Dodge LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
Application Type	**Fee ($)**	**Small Entity Fee ($)**	**Fee ($)**	**Small Entity Fee ($)**	**Fee ($)**	**Small Entity Fee ($)**	**Fees Paid ($)**
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 20 =	_____ x	_____ =	_____

HP = highest numer of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 3 =	_____ x	_____ =	_____

HP = highest numer of independent claims paid for, if greater than 3.

Multiple Dependent Claims

Fee ($)	Fee Paid ($)
_____	_____
_____	_____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee ($)	Fee Paid ($)
_____ - 100 =	_____ /50	_____ (round up to a whole number) x	_____ =	_____

4. OTHER FEE(S) **Fees Paid ($)**

Non-English Specification, $130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1402 Filing a brief in support of an appeal 500.00

SUBMITTED BY

Signature	David A. Tucker	Registration No. (Attorney/Agent)	27,840	Telephone	(617) 517-5508
Name (Print/Type)	David A. Tucker			Date	February 27, 2006

OIPE IAP15
FEB 27 2006
PATENT & TRADEMARK OFFICE

Attorney Docket No. 55861-RCE (72012)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Shinya Kimura EXAMINER: Ha, Leynna A.

SERIAL NO.: 09/846,907 GROUP: 2135

FILED: May 1, 2001

FOR: ACCESS POINT DEVICE AND AUTHENTICATION METHOD THEREFOR

****

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as "Express Mail" Post Office to Addressee service prepaid under Express Mail Label No. **EV 756265379 US** in an envelope addressed to: Mail Stop: AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 27, 2006.

By: Kathryn A. Grindrod
Kathryn A. Grindrod

****

Board of Patent Appeals and Interferences
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPELLANT'S BRIEF ON APPEAL
SUBMITTED PURSUANT TO 37 C.F.R. §1.192

In support of Appellant's Notice of Appeal, dated December 29, 2005, from the Examiner's Final Rejection of the above-identified application, mailed on June 29, 2005, Appellant respectfully submits the following Appellant's Brief on Appeal.

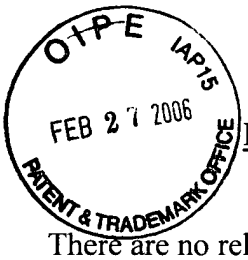
03/02/2006 SSITHIB1 00000063 041105 09846907
01 FC:1402 500.00 DA

Table of Contents

OIPE IAP15
FEB 27 2006
PATENT & TRADEMARK OFFICE

REAL PARTY IN INTEREST

The real party in interest is Sharp Kabushiki Kaisha, 22-22, Nagaike-Cho, Abeno-ku, Osaka-shi, Osaka, JAPAN 545-8522. An assignment from the inventor to Sharp Kabushiki Kaisha was recorded in the United States Patent and Trademark Office on 1 May 2001 at Reel 011771/ Frame 0581.



RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences known to Appellant, Appellant's representatives, the above-identified Assignee or the above-identified Assignee's representatives that will directly affect or be directly affected by or have a bearing on the Board's decision in this Appeal.

STATUS OF THE CLAIMS

Claims 1 - 2 stand finally rejected as being anticipated by U.S. Patent No. 5,539,825 to Bjorklund, et al. under 35 U.S.C. §102(b) and are pending on this Appeal.

STATUS OF THE AMENDMENTS

Claims 1 and 2 as amended on 31 March 2005 are pending in this Appeal and are reproduced in the attached Claims Appendix. No amendments that have not been entered remain outstanding in this application.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention relates to an access point device that allows a local area network (LAN) administrator to prevent the association of certain mobile stations (for example, those operated by malicious intruders) with a radio-based LAN system. Hence, the access point device of the present invention functions in advance of the commencement of (or as the definitive part of a first step of) an association procedure by which a mobile terminal entering the area of the LAN, and/or attempting to join the LAN for the first time, becomes a registered node on the LAN. In particular, this access point device implements the final definitive step of an authentication procedure that must be satisfactorily completed prior to the association of any particular mobile station with the LAN. To that end, the access point device of the present invention has an interface function with a network constructed of wired transmission channels that establishes a data link connection with a plurality of mobile stations within the area encompassed by a radio LAN associated with the access point device. Further, the access point device includes a display means and an input means utilized by the LAN administrator in the course of the acceptance or rejection of an authentication of a particular mobile station for subsequent association with the LAN.

Accordingly, as part of the authentication procedure that must be satisfactorily completed in order for a new mobile station to join the LAN, the display means of the access point device of the present invention displays information regarding that mobile station to the LAN administrator seeking an authorization (or a final approval of an authorization otherwise granted by the LAN) for the association of that mobile station with the LAN to proceed. The access point device input means constitutes the mechanism by which the LAN administrator enters an authenticating-authorizing or an authentication-rejecting instruction concerning the mobile station seeking association with the LAN.

Accordingly, it is inherent in the access point device herein claimed that the display means ***and*** the input means both are associated with the human LAN administrator at a pre-selected location such as the LAN control console or the LAN administrator's access point controlling computer. This is abundantly clear from the present specification and from the words of the present claims themselves to the effect that information about the mobile terminal seeking association with the LAN ***is displayed on the claimed display to the LAN administrator for his final approval of the authentication of the mobile terminal for association with the network (i.e, displayed to a human Network Administrator at his computer console because a "display" to a machine makes no sense in the context of the claims of this application, particularly when the same are read in light of their associated specification (See specification, pp. 12-13).***

Thus, the access point device of the present invention ***prior to allowing the association procedure to begin, or to continue beyond an initial authentication step (See, specification, page 8, line 23),*** (i) displays via the display means the information about the mobile station that is seeking association with the LAN to the LAN administrator, and (ii) following a determination by the LAN administrator based upon such criteria as he may deem appropriate concerning whether or not the mobile station seeking association with the LAN should be allowed to proceed with the association procedure, the LAN administrator enters instructions implementing that determination into the access point device via the input provided for that purpose. The criteria utilized by the LAN administrator may include, but are not limited to, the results of initial communications between the access point device and the mobile station seeking association with the LAN regarding the knowledge of the mobile station seeking association of secret keys or the like obtained independently or by initial communications with the various established nodes of the LAN.

In summary, when performing an authentication procedure before a particular mobile station is allowed to become associated with the network, the display means of the access point device of the invention displays information regarding the mobile station requesting authorization to the LAN administrator for final authorization (approval) of the authentication procedure. Thereafter, an authentication-authorizing or authentication-rejecting instruction regarding the mobile station seeking association with the LAN is entered via the input means of the access point device. Significantly in this regard, it is to be noted that the network (LAN) administrator is not bound by any particular, or set, criteria as to whether he/she authorizes or rejects an authentication request, and also a lack of a specific authentication-authorizing input may itself be construed by the system as an authentication-authorizing instruction.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The present Appeal seeks review of the Examiner's final rejection of Claims 1 and 2 currently pending in the present application as being anticipated under 35 U.S.C. § 102(b) by the Bjorklund, et al reference (U.S Patent No. 5,539,825).

In particular, the present Appeal seeks a review of the technical accuracy and legal sufficiency of the Examiner's conclusions (quoted below) that the Bjorklund reference (U.S. Patent No. 5,539,825) anticipates Claims 1 and 2 of the above-identified application. Specifically, the Examiner's currently outstanding Final Rejection generally refers to Applicant's Claim 1 in conjunction with a statement to the effect that the Bjorklund reference discusses all of the elements of Applicant's Claims 1 and 2 with the alleged support from the Bjorklund reference for those conclusions set forth in bold type as follows:

> "Bjorklund, et al. discloses an access point device having an interface function with a network constructed of wired transmission channels and establishing data link connection with a plurality of mobile stations within an area of a radio LAN, the access point device comprising:
> display means; and **[COL.7, lines 14-16]**
> input means, wherein when performing an authentication procedure before a particular mobile station initiates an association procedure **[COL. 3, lines 43-44 and COL. 5, lines 31-32]**, the display means displays information **[Col. 4, lines 28-30 and COL. 5, lines 33-35]** regarding the mobile station requesting authentication to a LAN administrator **[COL.2, lines 38-40 and COL. 4, line 60]** for final

> authorization of the authentication procedure when the mobile station is in the area in response to a notification of the presence of the authentication requesting mobile station **[COL. 3, lines 58-59 and COL. 7 lines 5-8 and 59-61]**, and wherein an authentication-authorizing or –rejecting instruction for the mobile station displayed by the display means **[COL. 6, lines 25-26 and 58-60]** can be entered via the input means by the network administrator. **[COL. 7, line 66 – COL. 8, line 1]**
>
> AS PER CLAIM 2: As rejected above by Bjorklund discussing a method using the device according to claim 1."

Further, in refusing to enter Applicant's Amendment After Final Rejection Under 35 CFR 1.116 (which sought reconsideration of the Final Rejection here on Appeal), the Examiner elaborated upon the alleged support for the currently outstanding Final Rejection of the pending claims of the above-identified application as follows:

> "claims 1-2 remain rejected. In view of Bjorklund. Claims 1-2 broadly claims displaying information to a LAN administrator for final authorization. Applicant argues on page 4, that "nothing in Bjorklund reference teaches, disclose or suggest" the LAN administrator is "a human operator" that specifically authorize by the activation of an input means associated with the display on his console each association requested by a mobile station

in a particular area as notified to him by the operator of that mobile station by telephone or any other written/verbal means". Firstly, the broad limitations fails to claim that the mobile station is a human operator also where the mobile station is performing the instructions to authenticate on the LAN administrators' computer. Secondly, Bjorklund does teach that the network manager is an operator where this operator receives information by telephone or written/verbal means which proves that the network manager is an operator such as of applicant's LAN administrator. Bjorklund does disclose a LAN administrator in the form of a network administrator at the network manager location. Because applicant broadly claiming a LAN administrator and does not further limiting the LAN administrator is a human operator. Thus, an administrator that supports the local network is the LAN administrator where Bjorklund teaches the same "network administrator" that supports the local network (col. 4, lines 59-60) Either perspective, if broadly claiming the LAN administrator, Bjorklund does teach a network administrator that supports the LAN and if further limiting the administrator is a human operator, Bjorklund does teach the network administrator is an operator also (col. 4, lines 49-51 and 66-67)"

ARGUMENTS

I. INTRODUCTION

Appellant's position on this Appeal is that the Examiner's interpretation of the Bjorklund, et al reference as evidenced by the above-quoted portions of the remarks in support of the currently outstanding final rejections of the present application is technically in error.

In the following sections, Appellant presents a summary of the standards for the establishment and review of anticipation rejections under 35 USC 102(b), a summary of the correct technical interpretation of the Bjorklund, et al reference, and Appellant's rebuttal of the Examiner's Stated Grounds for rejection of the claims of this application.

II. STANDARDS FOR ESTABLISHING AND REVIEWING AN ANTICIPATION REJECTION UNDER 35 USC §102(b).

The standards that must be satisfied to support an anticipation rejection are well settled. As summarized in MPEP §2131, ***"(a) claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference***." *Verdegaal Bros. V Union Oil Co. of California*, 814 F.2d 628,631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)." Emphasis added

Accordingly, unless the Bjorklund et al reference cited and relied upon by the Examiner discloses ***each and every element as set forth in the currently pending claims of this application***, the Examiner's rejection should be overruled.

III. SUMMARY OF BJORKLUND, ET AL (US Patent 5,539,825)

The Bjorklund, et al patent (US 5,539,825) relates to A Method and System for Key Distribution and Authentication in Data Communication Network. The primary purpose of the Bjorklund reference "is to enable performing an authentication process used to verify a station does not usurp the identification of someone else". (See, Col. 3, lines 42-44)

The Bjorklund authentication procedure is somewhat complex in its detail as it relates to remote stations, base stations and network stations as well as to various "keys" associated with each. Fortunately, however, for the purposes of the present discussion, the important facets of Bjorklund that must be understood are that (1) the remote stations provide their names and addresses to the network manager "by telephone or by any other written/verbal means" and (2) the network manager searches its stored databases to ensure that the same name and address are not already registered on the network (See, Col. 4, lines 21-52).

Thus, in Bjorklund, a display ***associated with the mobile station*** displays the so-called "universal address" (UA) data embedded in the mobile station at the time of its manufacture in response to the running of a diagnostics program (see Bjorklund, Column 4, lines 24-27). This UA information is forwarded from the mobile station to the network manager via its human operator (network administrator) "by telephone or any other written or verbal means".

At that point, the Bjorklund Network Administrator at the Network Manager location receives the UA information from the operator of the mobile station ("e.g. by telephone, or by any other written/verbal means"), and the Network Administrator inputs the same into the Network Manager. The Network Manager in turn initiates a procedure for determining whether or not the mobile station will usurp the identification of another station already on the LAN, and renaming the mobile station in the event of a conflict.

The output of the Network Manager (i.e., a name for the mobile station seeking authentication that will not conflict with the other active stations on the network) is then displayed on the network administrator's console and conveyed back to the mobile station in the same manner as the original input transmission of the UA information (e.g., by telephone, or by any other written/verbal means") (see Bjorklund, col. 7, lines 14-15). Accordingly, the Bjorklund reference contemplates the presence of human operators at the locations of ***both*** the mobile station and the Network Manager.

The human operators of the mobile station and the Network Manager in the Bjorklund reference, however, function merely as conduits through which information is transferred back and forth between the mobile station and the Network (at least during the authentication procedure). Hence, the Network Administrator in the Bjorkland reference does not have the authority ***or the ability*** to deny any mobile station access to the network either "by telephone or any other written/verbal means", much less by input entered into an access point to the LAN via an input means. Instead, the preliminary communication between the mobile station and the Network Manager in Bjorklund are solely for the purpose of ensuring that the mobile station does not have the same name as another mobile terminal on the network prior to the association of the mobile terminal with the network (which should not be possible because the so-called Universal Indentifier from which the mobile station name is derived is by definition "unique").

More particularly, as described in the Bjorkland reference, a unique, so-called UA is embedded in the programming of each mobile station upon its manufacture. When a mobile station desires to associate with the network, the UA information of that mobile station is displayed **at that mobile terminal** and that displayed information is forwarded to the Network Administrator, permissibly by the human operator of the mobile terminal, over a telephone line or some other convenient communication means. The so received UA information is input into the Network Manager by its human operator (i.e., the Network Administrator).

The Network Manager then determines whether the mobile station can utilize its then present name on the network, or alternatively, must be assigned a different name because another terminal on the network already is using the name of the mobile station seeking association with the network. In the latter case, the Network Manager assigns a new name to the mobile station that is seeking authentication. Then, the output of the Network Manager is conveyed back to the mobile station via the network administrator and the mobile station operator, and based upon that input the mobile station proceeds to associate itself with the LAN.

Accordingly, even though there are human operators in the communication loop between the mobile station and the Network Manager in the Bjorklund reference, there is absolutely no opportunity, or means, for either of those operators on his own initiative to veto an association sought by a particular mobile station with the network via an "input means".
More specifically, no display of information regarding the input characteristics of the mobile station is provided by Network Manager for viewing by the human Network Administrator as herein claimed, and there is no mechanism disclosed by Bjorklund that allows the Network Administrator (or the Network Manager) to deny association with the network by a requesting mobile station (even though the mobile station may be forced to change its name in order to join the network during the authentication procedure carried out by the network and the Network Manager).

IV. APPELLANT'S REBUTTAL OF EXAMINER'S GROUNDS FOR REJECTION

The Examiner has finally rejected claims 1 and 2 of the present application under 35 USC §102(b) as being anticipated by the Bjorklund, et al. (US Patent No. 5,539,825). The particulars of that rejection are set forth above and need not be repeated in full detail here.

Applicants respectfully submit that the Examiner's conclusions in this regard are in error for reasons that have been alluded to above.

Specifically, the Examiner argues that the Bjorklund et al reference discloses an access point device having a display means and input means. Applicants agree that Bjorklund et al discloses a network manager sometimes referred to as a wireless manager (a device) and a network administrator (Col. 4, line 60). Applicants also agree that the wireless manager of the Bjorklund reference is disclosed as having a display (Col. 7, line 14). Further, Applicants agree that Bjorklund et al discloses that the network manager (wireless manager) includes input means.

Further, the Examiner argues that Bjorklund et al. discloses performing an authentication procedure for a mobile station seeking association with the network prior to the initiation of the association procedure. Applicants again do not disagree.

However, the Examiner also argues that the Bjorklund reference discloses that the display means disclosed therein in association with the network manager displays information regarding the mobile station seeking authentication and eventual association with the network to the Network Administrator for final authorization of the authentication procedure when the mobile station is in the area in response to a notification of the presence of the authentication requesting mobile station. Applicants cannot agree that the display means Bjorklund et al discloses as being associated with the network manager displays information regarding the mobile station because the only such display disclosed in the Bjorklund et al reference is discussed at Col. 7, lines 13-21 and Col. 7, line 66 to Col. 8 line 2, of that reference wherein it is stated that:

> Then **N1** and **N2** are deleted (step **78**) and $K_{net'}$ is displayed to the wireless Manager operator (step **79**) to be forwarded (e.g. by telephone) or by any other verbal/written means, to the installer of the new base station. $K_{net'}$ is entered into said new base adapter, which, knowing the inverse function of f(x), derives K_{net} therefrom, stores it, derives K_b from K_{net} using the same logic as in the first base station, and deletes $K_{net'}$. The new station is then fully installed.

> Once the authentications are declared positive, name' is displayed on the operator's console and forwarded for further use by the remote station which extracts K_{net} (name) therefrom and stores it.

Accordingly, while there is a display device associated with the network manager in the Bjorklund et al reference, ***the only indication of a display content actually appearing thereon is in connection with information generated by the network regarding keys and names*** that are assigned to various stations that will not compromise the security of the network on the one hand and will not usurp the identification of someone else on the network. Hence, the portions of the Bjorklund et al specification referred to by the Examiner are respectfully submitted to be insufficient to teach or disclose the display means herein claimed.

In other words, Applicants agree that the purpose of the Bjorklund et at reference is to avoid the possibility of a mobile station seeking association with the network from usurping the identity of someone else already on the network, but respectfully submit that Bjorklund et al ***totally fails*** to disclose display means as part of a network access point device for displaying information regarding the mobile station requesting association with the network for the purpose of obtaining the network administrator's final authorization of the authentication procedure so that the requested association procedure can be allowed to go forward.

Thus, Applicants agree that Bjorklund et al discloses that the remote mobile station's name and address indications are displayed to and forwarded by its operator to the network administrator (e.g., by telephone, or by any other written/verbal means ***to the operator of the network (i.e., the network administrator)*** for input into the network manager which searches its stored data to insure that an already taken name on the network is not selected, and then selects and stores a name for the remote station on the network. (See, Col. 4, lines 20-52)

Further, Applicants agree that name and address information regarding base stations is provided to the network administrator ***at the network manager location,*** and that that information is input into the network manager by the network administrator such that it can be transferred to an existing base station already on the network. The existing base station then computes the network key and station name to be given to the base station seeking association with the network for retransmission back to the new base station via the network manager (See, Col. 4, line 53 to Col. 5, line 14). Consequently, Applicants agree that Bjorklund et al discloses communications back and forth between the network manager and the stations on the network during the installation (association) process, and also that during that process if it cannot be verified that transmissions from the network manager actually come from the network manager the process is stopped and warning of error is given (See Cols. 5-6). This, however, is not the same thing as the network administrator authorizing or rejecting an authentication based on information concerning an association requesting mobile station.

The result, therefore, is that Applicants have been unable to find any disclosure, and the Examiner has not cited (and cannot cite) any disclosure, in the Bjorklund reference that shows the display of information regarding the mobile station requesting authentication to a LAN administrator ***on the claimed display means for final authorization of the authentication procedure***. Consequently, Applicants respectfully submit that the Examiner has failed to show that the display means as specifically herein claimed is anticipated under the terms of 35 USC 102(b) by the Bjorklund et al reference.

Furthermore, Applicants respectfully submit that the Examiner has totally failed to demonstrate that the Bjorklund et al reference discloses an input means whereby the network administrator can enter an authentication-authorizing or and an authentication-rejecting instruction.

As mentioned above, the Bjorklund et al reference clearly contemplates that the network administrator can input various information and initiate various actions by itself and the network in connection with the authentication of various mobile stations. Further, as noted by the Examiner, Bjorklund et al contemplates that the network administrator can forward an authentication as received and displayed to him by the network manager and also forward the same to the remote stations (see, Col. 7, line 66-Col 8, line 2). However, the portion of the Bjorklund specification at Col. 6, lines 59-60 referred to by the Examiner in this regard is inapposite to the point at issue. At the point of the Bjorklund et al reference relied upon by the Examiner, the system ***stops itself*** when a receiving station cannot confirm that the signals that it is receiving actually are coming from the network manager. This, however, is not a case of the network administrator inputting an instruction concerning the authentication-authorization or the authentication rejection to an input means of an access point device associated with a LAN.

The true situation is that Bjorklund et al does not contain the concept, much less a disclosure, of a network administrator being able to authorize or reject an authentication. The Bjorklund et al disclosure is simply of a system that insures that no station usurps the identity of another and which maintains the security of the network key in the process. Hence, there is no disclosure in the Bjorklund et al reference of any station being denied authentication for any reason. Quite the contrary, Bjorklund et al provides a mechanism whereby each station requesting association with the network is provided a distinct name on the network while being provided with the network key in a secure manner.

Finally, Applicants respectfully note that the Examiner's comments in response to their Request for Reconsideration After Final Rejection quoted above suggest that the Examiner may have misconstrued Applicants' arguments. Thus, it is to be recognized that Applicants' statement from which the Examiner selected a single partial sentence for comment reads in its entirety as follows:

> However, as was the case with the Hanson reference previously applied by the Examiner, nothing in the Bjoklund reference teaches, discloses or suggests that the human operator (network administrator) of the so-called Network Manager must (or for that matter can) separately and specifically authorize by the activation of an input means associated with a display on his console each association requested by a mobile station in a particular area as notified to him by the operator of that mobile station "by telephone or any other written/verbal means". Rather, the human operators of the mobile station and the Network Manager in the Bjorklund reference function as conduits through which information is transferred back and forth between the mobile station and the Network Manager. Further, the Network Administrator in the Bjorkland reference does not have the ability to deny the mobile station access to the network either "by telephone or any other written/verbal means" much less by input entered via an input means. Rather, the preliminary communication between the mobile station and the Network Manager in Bjorklund is solely for the purpose of ensuring that the mobile station does not have the same name as another mobile terminal on the network prior to the association of the mobile terminal with the network.

The Examiner's comments suggest that the present claim language is too broad to support Applicants' position that the LAN administrator claimed is a human. Further, the Examiner's comments suggest that there is nothing in the claims to support the position that the mobile station is a human or that the mobile station requests authentication on the LAN administrator's computer. Still further, the Examiner somehow appears to be under the misapprehension that Applicants are asserting that the Bjorklund et al reference does not disclose human operators at both the mobile station and the network manager.

With respect to the first of these issues, Applicants respectfully submit that since the claims of this application specifically state that "...the display means displays information regarding the mobile station requesting authentication to the LAN administrator...", there can be little, if any, doubt that the LAN administrator is a human. As noted above, this is respectfully submitted to be inherent in the present claim wording because if the LAN administrator was other than a human (i.e., a machine, an electrical circuit or some other device) there would be no reason for the LAN to include a display for displaying information about the mobile station to the LAN administrator. In such a case, the required information could be transferred by way of electrical signals or the like thereby removing any need for a display as part of the LAN accessible to the LAN administrator. Accordingly, for this reason as well as the fact that the claims are to be interpreted in light of the specification that clearly indicates that the LAN administrator is to be a human, Applicants respectfully submit that the Examiner's apparent assertion to the contrary is incorrect.

With respect to the second issue, Applicants agree that nothing in the present claims requires the mobile station to seek authentication via the LAN administrator's computer *per se*. That being said, however, again as previously mentioned, Applicants respectfully submit that the present claims clearly contemplate that the LAN display and the LAN input means are both to be disposed in proximity to the location of the LAN administrator so as to allow interaction between them. Likening this to the display and the input being associated with the LAN administrator's computer while technically not specifically claimed also is not outside of the scope of the present claims and was utilized simply as exemplary wording in argument, not an attempt to limit the present claim wording thereto.

Finally, Applicants are at a loss to explain the Examiner's comments concerning the fact that human operators associated with both the network manager and the various mobile stations in the Bjorklund et al reference are within the scope of the present claims. Applicants do not believe that they have ever asserted otherwise, and indeed have so described the Bjorklund et al reference above. Similarly, Applicants have not heretofore, nor do they now, assert that the fact that the Bjorklund et al reference associates human operators with the various stations takes the Bjorklund et al reference outside of the scope of the presently pending claims.

In summary therefore, Applicants respectfully submit that the Bjorklund et al reference fails fairly to disclose either the display means or the input means claimed in the above-identified application. More particularly, to the extent that the Bjorklund et al reference may disclose a display means and an input means associated with the LAN therein contemplated, Bjorklund, et al clearly and simply ***does not disclose*** a display for displaying the information contemplated to be displayed by the display of the present invention. Similarly, the Bjorklund et al reference clearly and simply ***does not disclose*** an input means for inputting from external of the network a determination of whether or not a particular mobile station is to be granted authentication such that it may continue to seek association with the network.

CONCLUSION

Appellant respectfully submits that the foregoing remarks totally and definitively overcome the Examiner's currently outstanding rejections under 35 USC 102(b) as presented in the currently outstanding FINAL Official Action in the view of all the facts and argument of record herein. In particular, Applicants respectfully submit that the Examiner consistently has attributed disclosure to the Bjorklund reference that is not actually present therein. Absent those erroneous determinations concerning the content of the prior art currently of record in this application, Applicants respectfully submit that the Examiner could not have reasonably reached the conclusion that the present invention is anticipated by the Bjorklund, et al. reference within the meaning of 35 USC §102(b). Consequently, Appellant respectfully submits that the instant invention is both novel and inventive over the art relied upon by the Examiner, and respectfully requests a decision so holding on this Appeal.

Finally, although it is not believed that the present submission requires any further fee to secure its consideration by the Office, the Examiner or other appropriate officer, of the United Sates Patent and Trademark Office hereby is authorized to any charge such fee that may be deemed to be due, appropriate or otherwise required, or to credit any overpayment, to the deposit account of the undersigned, Deposit Account 04-1105 .

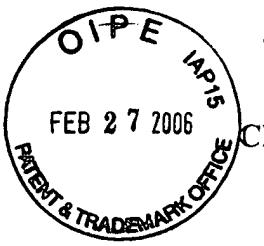
Respectfully submitted,

Date: February 27, 2006

By: _____

David A. Tucker (Reg. No. 27,840)
EDWARDS ANGELL PALMER & DODGE, LLP
P. O. Box 55874
Boston, MA 02205
Tel. (617) 517-5508
Fax (617) 439-4170 / 7748
Customer No.: 21874

530436



CLAIMS APPENDIX

Claims 1 and 2 on Appeal

1. An access point device having an interface function with a network constructed of wired transmission channels and establishing data link connection with a plurality of mobile stations within the area of a radio LAN, the access point device comprising:

display means; and

input means,

wherein

when performing an authentication procedure before a particular mobile station initiates an association procedure, the display means displays information regarding the mobile station requesting authentication to a LAN administrator for final authorization of the authentication procedure when the mobile station is in the area in response to a notification of the presence of the authentication requesting mobile station, and wherein an authentication-authorizing or rejecting instruction for the mobile station displayed by the display means can be entered via the input means by the network administrator.

2. A method using the device according to claim 1

OIPE IAP15
FEB 27 2006
PATENT & TRADEMARK OFFICE

Application No. (if known): 09/846,907 Attorney Docket No.: **55861 (72012)**

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. **EV 756265379 US** in an envelope addressed to:

MS Board of Patent Appeals and Interferences
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on February 27, 2006
Date

Kathryn A. Grindrod
Signature

Kathryn A. Grindrod
Typed or printed name of person signing Certificate

Registration Number, if applicable

(617) 517-5534
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Transmittal Form (1 page)
Fee Transmittal (2 pages)
Appeal Brief Transmittal (2 pages)
Appeal Brief (25 pages)
Return Receipt Postcard
Authorization to charge $500.00 to deposit account 04-1105